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Of Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

ANDRE BILODEAU, ROBERT BESSY,  
AMBER MCNAB, GREG  
KILLINGSWORTH, TRAVIS GREINER,  
and RONDA BJORK, individuals,  
on behalf of themselves and all others  
similarly situated; and DOES 1  
through 100,

Plaintiffs,

v.

CITY OF MEDFORD,

Defendant.

Case No.: 1:21-cv-00766-CL

**DEFENDANT'S UNOPPOSED  
MOTION TO AMEND SCHEDULING  
ORDER**

**LR 16-3**

### **CONFERRAL**

Pursuant to LR 7-1, counsel for Defendant conferred with Plaintiffs' counsel on November 14, 2022 and he stated he has no objection to submitting the following proposed deadlines. (Decl. Murdock (Ex. 1)).

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## MOTION

Defendant, City of Medford, hereby moves the court to modify its existing case scheduling order. (ECF No. 24). This motion is made in good faith and not solely for the purpose of delay. (Ex. 1). The scheduling order currently closes discovery on December 5, 2022 and requires the parties to file dispositive motions on or before January 4, 2023. (ECF No. 24).

Plaintiffs' Motion for Class Certification (ECF No. 21) remains under advisement. (ECF No. 36). As the parties reported earlier in this case, the ruling on that order will likely have significant effects on substantive discovery and dispositive motions. *See*, Joint Status Report (ECF No. 23), p. 2. The court also did not report unanimous consent to magistrate jurisdiction, which means the anticipated report and recommendation on plaintiffs' motion to certify class will be referred to an Article III judge.

For the foregoing reasons, the parties anticipate needing additional time to conduct substantive discovery and to prepare dispositive motions considering the critically important disposition on plaintiffs' pending motion.

As noted in the Joint Status Report, defendant recommends a nine-month period for substantive discovery if a class is certified and six months if the class is not certified. (ECF No. 23, p. 2). Plaintiffs recommend six months for substantive discovery if a class is certified and four months if a class is not certified. *Id.*

The parties have diligently utilized the time to-date by engaging in class certification paper discovery, briefing plaintiffs' motion for leave to amend, briefing plaintiffs' motion for class certification, and arguing those matters. Both motions significantly impact the scope of discovery and the breadth of any dispositive motion(s).

The newly proposed deadlines do not impact any other currently pending deadlines.

## CONCLUSION

For the foregoing reasons, the parties request a stay on the currently set deadlines and to implement the one of the two suggested deadlines for substantive discovery and dispositive motions pending the final ruling on class certification.

Dated this 17<sup>th</sup> day of November, 2022.

FROHNMAYER, DEATHERAGE, JAMIESON,  
MOORE, ARMOSINO & McGOVERN, PC,

s/ Casey S. Murdock

Thomas F. Armosino, OSB #911954

Armosino@fdfirm.com

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Of Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **DEFENDANT'S UNOPPOSED MOTION TO AMEND SCHEDULING ORDER** upon:

Justin N. Rosas  
[justin@justinrosas.com](mailto:justin@justinrosas.com)  
THE LAW OFFICE OF JUSTIN ROSASJU  
110 W. 11<sup>th</sup> Street  
Medford, OR 97501  
Attorneys for Plaintiff s

- ☒ by automatic electronic transmission via the Court's Case Management and Electronic Case Filing practice.
- ☐ by mailing to said attorneys a copy thereof, certified by me as such, contained in a sealed envelope, with postage paid, addressed to said attorneys at said attorneys' last known address and deposited in the post office at Medford, Oregon, on the date set forth below.

DATED this 17<sup>th</sup> day of November, 2022.

FROHNMAYER, DEATHERAGE, JAMIESON,  
MOORE, ARMOSINO & McGOVERN, P.C.

s/ Casey S. Murdock  
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CITY OF MEDFORD,

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**DECLARATION OF CASEY  
MURDOCK IN SUPPORT OF  
UNOPPOSED MOTION TO EXTEND  
DEADLINES**

I, Casey Murdock, do hereby declare and say:

1. I am one of the attorneys for the City of Medford.
2. This Declaration is made in support of Defendant's Unopposed Motion to Extend Deadlines.



3. Plaintiffs' counsel and I conferred on this motion. He sent an email on November 14, 2022 authorizing the filing of this motion with the two options for deadlines.

4. This motion is made in good faith and not solely for the purpose of delay.

**Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

DATED this 17<sup>th</sup> day of November, 2022.

/s/ Casey S. Murdock

Casey S. Murdock, OSB No. 144914

Murdock@fdfirm.com

Of Attorneys for Defendant